United Nations A/53/612

General Assembly

Distr.: General
25 November 1998

Original: English

Fifty-third session
Agenda item 97

Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Report of the Second Committee

Rapporteur: Mr. Uladzimir **Gerus** (Belarus)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 26th, 29th, 39th and 40th meetings, on 28 and 30 October and 16 and 24 November 1998. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.2/53/SR.26, 29, 39 and 40). Attention is also drawn to the general debate held by the Committee at its 3rd to 7th meetings, on 6, 8 and 9 October (see A/C.2/53/SR.3–7).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan (A/53/163–E/1998/79);

(b) Letter dated 8 April 1998 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the twenty-fifth session of the Islamic Conference of Foreign Ministers, held at Doha from 15 to 17 March 1998 (A/53/95–S/1998/311).

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4. At the 26th meeting, on 28 October, an introductory statement was made by the Chief of the Regional Commissions New York Office (see A/C.2/53/SR.26).

II. Consideration of draft resolution A/C.2/53/L.22

5. At the 29th meeting, on 30 October, the representative of Egypt, on behalf of *Afghanistan, Algeria, Bangladesh, Brunei Darussalam, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Mauritania, Qatar, Saudi Arabia,* the *Sudan,* the *United Arab Emirates, Yemen* and *Palestine*, introduced a draft resolution entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/C.2/53/L.22). Subsequently, *Bahrain, Malta, Morocco, Oman* and *Tunisia* joined in sponsoring the draft resolution.

6. At the 39th meeting, on 16 November, the Vice-Chairman of the Committee, Mr. Burak Özügergin (Turkey), informed the Committee of the outcome of the informal consultations held on the draft resolution (see A/C.2/53/SR.39).

7. At the same meeting, the representative of the United States of America requested a recorded vote on the draft resolution.

8. At the same meeting, statements were made in explanation of vote before the vote by the representatives of Israel, the United States of America and the Syrian Arab Republic (see A/C.2/53/SR.39).

9. Also at its 39th meeting, the Committee adopted draft resolution A/C.2/53/L.22 by a recorded vote of 116 to 2, with 8 abstentions (see para. 11). The voting was as follows:[1]

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen.

Against:

Israel, United States of America.

[1] The delegations of Guyana, India, Lebanon and Suriname subsequently indicated that, had they been present, they would have voted in favour.

Abstaining:

Bahamas, El Salvador, Georgia, Marshall Islands, Micronesia (Federated States of), Panama, Paraguay, Swaziland.

10. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Austria (on behalf of the States Members of the United Nations that are members of the European Union), Bulgaria and Japan (see A/C.2/53/SR.39).

III. Recommendation of the Second Committee

11. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 52/207 of 18 December 1997 and Economic and Social Council resolution 1998/32 of 29 July 1998,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949[2] to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Aware of the additional, detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

Expressing its concern at the difficulties facing the Middle East peace process which started at Madrid on 30 October 1991 and which is based on Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace,

1. *Takes note* of the report transmitted by the Secretary-General;[3]

2. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

[2] United Nations, *Treaty Series*, vol. 75, No. 973.

[3] A/53/163–E/1998/79, annex.

3. *Calls upon* Israel, the occupying Power, not to exploit, to cause loss or depletion of or to endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiation between the Palestinian and Israeli sides;

5. *Requests* the Secretary-General to report to it at its fifty-fourth session on the implementation of the present resolution, and decides to include in the agenda of the fifty-fourth session the item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".